

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Ahmadou Sankara,

Petitioner,

—v—

Daniel F. Martuscellor et al.,

Respondents.

18-cv-6308 (AJN)

ORDER

ALISON J. NATHAN, Circuit Judge, sitting by designation:

The Court has received the attached filing from Petitioner Ahmadou Sankara, including a motion to set aside the judgment pursuant to Rule 60(b)(4)–(6) of the Federal Rules of Civil Procedure, as well as requests to “[r]esubmit[]” the motion and for the appointment of counsel. For the reasons that follow, his requests are DENIED.

The Court denied Mr. Sankara’s petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 19, 2020, *Sankara v. Martuscellor*, No. 18-CV-6308 (AJN), 2020 WL 6807079 (S.D.N.Y. Nov. 19, 2020) (Dkt. No. 70), and denied Mr. Sankara’s prior Rule 60(b) motion on May 31, 2022, *Sankara v. Martuscellor*, No. 18-CV-6308 (AJN), 2022 WL 2119300 (S.D.N.Y. May 31, 2022) (Dkt. No. 79).

As the Court explained in denying Mr. Sankara’s prior Rule 60(b) motion, “Petitioner does not allege that the district court’s decision is void, *see* Fed. R. Civ. P. 60(b)(4), or . . . is based on an earlier judgment that has been reversed or vacated, or that it can no longer be prospectively applied equitably, *see* Fed. R. Civ. P. 60(b)(5), so Petitioner must demonstrate that extraordinary circumstances warrant relief, to satisfy Rule 60(b)(6).” *Sankara*, 2022 WL

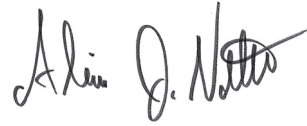
2119300, at \*1 (cleaned up). Because Mr. Sankara's new filings also do not identify extraordinary circumstances warranting relief under Rule 60(b)(6), his motion must be denied. For the same reasons, Mr. Sankara has not shown that his claims are likely to be of substance, so his request for the appointment of counsel is denied. *See Bonie v. Annucci*, No. 19-CV-11822 (AJN) (DF), 2020 WL 1233555, at \*1–2 (S.D.N.Y. Mar. 13, 2020).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Sankara and to note the mailing on the public docket.

SO ORDERED.

Dated: March 14, 2023  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

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ALISON J. NATHAN  
United States Circuit Judge,  
sitting by designation

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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AHMADOU SANKARA, Alien, 097-528-851

Petitioner ,

**18 – CV- 6308 (AJN)  
MOTION FOR  
RESUMITTED**

**V.**

DANIEL F. MARTUSCELLOR ,

Respondents .

---

Hon. ALISON J NATHAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK.

Petitioner Ahmadou Sankara Respectfully Submitted a Motion To The Court. I Submitted a motion to the court since July 4, 2022, I never receive this court reply, I am Resubmitted same motion to the court on Feb 19, 2023, for the Record, for this criminal matter,


**CC: James F. Gibbons Office**

**Assistant Attorney General**

**New York. NY 10005**

**CC ; To Second Circuit Court Of Appeals**

**40 Foley Square New York . N Y 10007**

Sankara Ahmadou  
  
BP 133 Anyama Ivory Coast

Feb 19, 2023

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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AHMADOU SANKARA, Alien, 097-528-851

Petitioner ,

V.

**18 – CV- 6308 (AJN)  
MOTION FOR FEDERAL  
CIVIL RULES 60 (b)(4)(6)**

DANIEL F. MARTUSCELLOR ,

Respondents .

---

Hon. ALISON J NATHAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK.

Petitioner Ahmadou Sankara Respectfully Submitted a Motion To The Court For Federal Civil Procedure Rules 60 (b)(4)-(6), By Reply This Court Order Date 5/31/2022/. Petitioner he is Entitled To Federal Habeas Corpus Relief Under Federal Rule 60. Has Petitioner will Identify Extraordinary Circumstances Warrant Relief, has Alien entered to United States with Visa is Entitled for the United States Federal Court To appointed Attorney alien in civil criminal matter, but my motion for to Appoint me an A Attorney in Criminal Matter was denied by Magistrate Judge in Federal Court, This Court Should Review Petitioner s Legal Sufficiency Factured Evidence, Petitioner s Weight of The Evidence Claim Are Cognizable on Habeas Corpus Review, Petitioner Claim Against his Arresting Officers SEE Sankara V. O Hara, 15 CV 7761.

For This Court Order May 31, 2022, Background Due to This Court Hon Judge Allegation that, Petitioner Ahmadou Sankara Was Arrested in New York on March 6, 2015, For Processing For Three Forged Bank Cards, in convicted of three counts of second degree, The State District Attorney Misdely This Federal Couert, For Petitioner Arrest, See Sankara V O Hara, 15 CV 7761, For Petitioner False Arrest, due to US Fourth Amendment For Petitioner Arrest Unconstitution. And without any element of crime was presented for my conviction in state court, I am requesting this court to change the venue in get me back to U.S.A. In for this court look over full case under memorandum of law, I am innocent and I was shoot in New York there are still two bollet inside my stomach im in stomach pain due to those two bollet, This Court Should Reconsider And Grant Petitioner Habeas Corpus Motion Due to This Court Order May 31, 2022, Under Rule 60, For The Second Circuit Court Order Jan 27, 2022,

Under Docket, 20 -3991, SEE: ." *Arizona v. California*, 460 U.S. 605, 619 (1983); We review de novo the application of *res judicata* principles. *TechnoMarine SA v. Giftports, Inc.*, 758 F.3d 493, 498 (2d Cir. 2014). "Under the doctrine of *res judicata*, or claim preclusion, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action." *Id.* at 499 (internal quotation marks omitted). The doctrine does not apply, however, "if a party moves the rendering court in the same proceeding to correct or modify its judgment." *Arizona v. California*, 460 U.S. 605, 619 (1983); see also *Rezzonico v. H&R Block, Inc.*, 182 F.3d 144, 148 (2d Cir. 1999) ("Res *judicata* does not speak to direct attacks in the same case, but rather has application in subsequent actions.")

My prior criminal Conviction was '45 Days time serve without any crime comitted Unconstitutional, Im Eligible for re entered in USA. And my two childs Born in USA.

**SEE my medical record Gun Shot Won Exhibes Submitted to the Court Im Victime of Crime; SEE US Attorney Submitted to the Court as Exhibes;**

**CC: James F. Gibbons Office**

**Assistant Attorney General**

**New York. NY 10005**

**CC ; To Second Circuit Court Of Appeals**

**40 Foley Square New York . N Y 10007**

**Sankara Ahmadou**  
  
**BP 133 Anyama Ivory Coast**

**JULY 4. 2022**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

AHMADOU SANKARA, Alien, 097-528-851

Petitioner ,

V.

**18 – CV- 6308 (AJN)  
MOTION FOR APPOINTMENT  
OF ATTORNEY UNDER 28 U S C 3006A**

DANIEL F. MARTUSCELLOR ,

Respondents .

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Hon. ALISON J NATHAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK.

Petitioner Ahmadou Sankara Respectfully Submitted a MOTION FOR APPOINTMENT OF ATTORNEY UNDER 28 U S C 3006A Motion To The Court For Federal Civil Procedure Rules 60 (b)(4)-(6), By Reply This Court Order Date 5/31/2022/. Petitioner he is Entitled To Federal Heabes Corpus Relief Under Federal Rule 60. Has Petitioner will Identify Extraordinary Circunstanes Warrant Relief, has Alien entered to United States with Visa is Entitled for the United States Federal Court To appointed Attorney alien in civil criminal matter, but my motion for to Appoint me an A Attorney in Criminal Matter was denied by Magistrate Judge in Federal Court, This Court Should Review Petitioner s Legal Suffiency Factured Evdence, Petitioner s Weight of The Evidence Claim Are Cognizable on Heabeas Corpus Review, Petitioner Claim Against his Arresting Officers

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This Court Should Reconsider And Grant Petitioner Heabes Corpus Motion Due to This Court Order May 31, 2022, Under Rule 60, For The Second Circuit Court Order Jan 27, 2022, Under Docket, 20 -3991, SEE: ." *Arizona v. California*, 460 U.S. 605, 619 (1983); We review de novo the application of *res judicata* principles. *TechnoMarine SA v. Giftports, Inc.*, 758 F.3d 493, 498 (2d Cir. 2014). "Under the doctrine of *res judicata*, or claim preclusion, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action." *Id.* at 499 (internal quotation marks omitted). The doctrine does not apply, however, "if a party moves the rendering court in the same proceeding to correct or modify its judgment." *Arizona v. California*, 460 U.S. 605, 619 (1983); see also *Rezzonico v. H&R Block, Inc.*, 182 F.3d 144, 148 (2d Cir. 1999) ("Res *judicata* does not speak to direct attacks in the same case, but rather has application in subsequent actions.")

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**SEE my medical record Gun Shot Won Exhibes Submitted to the Court Im Victime of Crime; SEE US Attorney Submitted to the Court as Exhibes;**

**CC: James F. Gibbons Office**

**Assistant Attorney General**

**New York. NY 10005**

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**40 Foley Square New York . N Y 10007**

**Sankara Ahmadou**  
  
**BP 133 Anyama Ivory Coast**

**JULY 4. 2022**

AMHERST RADIOLOGY  
6000 North Bailey Avenue  
Suite 1B  
Amherst, NY 14226



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JACOB WUERSTLE  
President

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(800) 964-XRAY (9729)  
Fax (716) 362-8776  
www.diagnosticxray.com

**Patient Name:** SANKARA, AHMADOU  
**Date of Birth:** 7/18/1970  
**Referring Physician:** QUINONES, CARLOS MD  
**Referring Facility:** BUFFALO DETENTION CENTER INS  
**A#:** 097528851  
**Exam Type:** XRAY ABDOMEN AP (1 VIEW KUB/FLATPLATE)

**Date of Exam:** 7/17/2019 2:30:18 PM

**Clinical:** R/O OBSTRUCTION

Portable supine view of the lower chest, abdomen and the pelvis reveal the lung bases to be clear.

There is diffuse colonic ileus with large amount of fecal content throughout the colon generally. No radiopaque calculus is noted. Two shrapnel sequelae are noted; one in the mid left pelvis and one in the medial left lower quadrant of the abdomen.

The bony structures are intact.

**IMPRESSION:**

1. Diffuse colonic ileus with marked diffuse constipation.
2. Shrapnel sequelae in the lower left portions as discussed above.

Thank you for this kind referral.

Sincerely,

*ELECTRONIC SIGNATURE*

PAUL, DAVID MD  
7/17/2019 3:57:48 PM

J.A. 7/17/2019 3:59:46 PM

*"the intelligent approach to diagnostic health care services"*



to the people that  
new don't to get  
Denty money. they are  
timely defendants motion,  
for these

Re: People v. Fottala  
Ind. No. 0285/2021

Counselor

As you know. I am the assistant District  
Attorney assigned to the above referenced  
Case. The information below concerns  
Police Officer Liam Chava, whom  
the people anticipate calling as a  
Witness in the above-captioned Case.  
The above officers were listed as named  
defendants in the civil action set forth  
below which are either pending or were  
settled with a stipulation of settlement.

Police Officer Liam Chava

Chava v. City of New York Jail.  
114 CV 02365, pending

F.C.A. §§ 413, 416, 433, 438,  
439, 440, 442-447, 471; Art. 5-B

4-11a 12/2012

At a term of the Family Court of the  
State of New York, held in and for  
the County of New York, at 60  
Lafayette Street, New York, NY  
10013, on July 11, 2016

**PRESENT:** Kevin Mahoney, Support Magistrate

In the Matter of a Support Proceeding

File #: 177993

Docket #: F-16489-12/16A

Ahmadou Sankara, SSN: XXX-XX-6299,

Petitioner,

CSMS #: NX29892A1

- against -

Commissioner of Social Services, O/B/O

Keita Tiguidanke,

Assignor.

**ORDER MODIFYING AN  
ORDER OF SUPPORT**

NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT  
IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT.  
YOUR FAILURE TO OBEY THIS ORDER MAY RESULT IN SUSPENSION OF  
YOUR DRIVER'S LICENSE, STATE-ISSUED PROFESSIONAL, TRADE,  
BUSINESS AND OCCUPATIONAL LICENSES AND RECREATIONAL AND  
SPORTING LICENSES AND PERMITS; AND IMPOSITION OF REAL OR  
PERSONAL PROPERTY LIENS.

SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH  
THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED  
IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED  
BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

**Obligation Summary**

	Keita Tiguidanke	Ahmadou Sankara	Method
Basic Payment		\$0.00 weekly	SCU

Ahmadou Sankara filed a petition in this Court on May 5, 2016 seeking to modify an  
order, dated December 10, 2012, made by the New York County Family Court which granted  
support for:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>
Mahawa A Sankara	November 5, 2006	
Nourdine C Sankara	November 4, 2003	

Commissioner of Social Services appeared before this Court to answer the petition, and  
the unrepresented parties, if any, were advised by the Court of the right to counsel;

000165